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CURRENT TOPICS

Judicial Appointments

THERE have been few more appropriate appointments in the recent past than that of Sir DONALD BRADLEY SOMERVELL to the Court of Appeal. Accustomed both by natural bent and experience to a quiet and scholarly atmosphere, his genial personality will be a welcome asset to that court, as will also his profound scholarship. Sir Donald is a Fellow of All Souls and was educated at Harrow and Magdalen College, Oxford. He was Solicitor-General from 1933 to 1936 and Attorney-General from 1936 to 1945. He is fifty-six years of age. LORD DU PARCQ, who has been promoted from the Court of Appeal to the House of Lords, has been a Lord Justice of Appeal since 1938 and before that a King's Bench judge since 1932. He is a Channel Islander, having received his earlier education at Victoria College, Jersey. He later became a scholar of Exeter College, Oxford, where he took a first in Classical Moderations and a second in Literæ Humaniores. He was one of the many distinguished men who have been President of the Oxford Union. The Court of Appeal will miss his unique combination of great charm and mental acuteness, but none will dispute that his promotion is well merited.

Building Restrictions (War-Time Contraventions) Bill

IN moving the second reading of the Building Restrictions (War-Time Contraventions) Bill in the House of Lords on 29th January, LORD HENDERSON explained that it was largely a non-contentious measure dealing with buildings erected during the war by private individuals or by or on behalf of the Government for the purposes of the prosecution of the war on Crown land, or on land acquired by the Crown under war-time legislation or upon the land of private persons, usually a manufacturing company. The rights of local authorities to object on the ground of violation of Building Acts or planning controls had lapsed through passage of time and the Bill proposed to restore to local authorities the right of having it determined whether a contravention of the law had taken place. It was both reasonable and desirable, his lordship said, that war-time buildings should be subject to review in the light of statutory requirements, and that the war period should not be reckoned in calculating the time within which the enforcement of building law must take place. Extremely valuable property had been created out of new capital, bankers' loans and Government advances and each case must be dealt with legally upon its merits, subject to a right of appeal to the Minister of Health. Under the Bill the Crown exemption would not continue to apply to war-time buildings sold by the Government or leased for a period of not less than ten years. It was proposed that a five-year limit be placed upon the time during which the fate of any war-time building could be decided in the light of post-war circumstances. During that period, an application could be made to have it determined whether or not a building complied with the law, and if it did not, whether it should be treated as if it did, either conditionally or on terms. Where there was disagreement between an interested party and a local authority the Bill provided for an appeal to the Minister of Health. LORD MAUGHAM said that he was not satisfied that the Bill entirely covered the case where the local authority knew of the breach or had actively consented to it. After a short debate the Bill was read a second time and committed to a committee of the whole House.

Crown Immunity

THERE are so many matters requiring urgent attention nowadays and so many different opinions as to the proper place in the queue for each urgent matter, that we can but record our satisfaction, as lawyers, that the question of the Crown immunity from civil liability has been recently raised in the Commons, and not without some result. Lt.-Col. REES WILLIAMS asked the Attorney-General on 23rd January whether he was aware of the hardship caused to persons by reason of the immunity of most Government departments from action being taken against them in tort or for breach of contract, that to remedy this defect a Crown Proceedings Bill was introduced in this House in 1927 and had been mentioned several times since, the last time being in 1935; and if it was the intention of the Government at any time in the near future to reintroduce the Crown Proceedings Bill to remedy this gap in the law. Sir WALDRON SMITHERS asked the Attorney-General whether, in view of the proposals for nationalisation, involving increased power and responsibility for Government departments, he would introduce a Bill which would place the Crown in the same position as the subject in matters of litigation. The SOLICITOR-GENERAL replied that he did not think the hardship was very serious in practice, but the question of preparing a Crown Proceedings Bill was receiving preliminary consideration, which had shown that alterations in the earlier Bill would be necessary. Owing to the heavy legislative programme it was not possible to undertake this task and to introduce the Bill this session. The LORD CHANCELLOR was anxious that the work should be proceeded with as soon as more urgent business permitted and the matter would not be lost sight of. The Solicitor-General's statement is welcome news, for it indicates that, if the subject of Crown immunity is not first on the list of matters for legislation, it occupies a not unduly low position.

The Decree Nisi

WHAT is there to be said in favour of the six months' waiting period after a decree *nisi* of divorce before the parties are free

to re-marry ? Much of what can be said against it is frequently said on applications to expedite the decree absolute, but is there a case for its retention at all ? The case against it was eloquently put by Sir ALAN HERBERT, M.P., in the *Sunday Times* of 27th January. "It is a very long time," he wrote, "if you have waited years already. And during that six months it is not safe for the soldier to see much of the woman he is going to marry (though she may be looking after his child) for fear some busybody will write an anonymous letter to the King's Proctor." He pointed out that in divorce it was possible for a judge to be told by an official that because of connivance, collusion, condonation or conduct conducing he should never have granted a decree. In no other class of case could a judge be told to "eat his words." The justification of the decree *nisi*, he wrote, was the old state of the law under which the court was bound to grant a decree on evidence of adultery unless there was positive evidence that the petition had been presented or prosecuted in collusion with either of the parties. The court had no right to inquire of the petitioner, and ask questions to satisfy itself that there was no collusion, etc. Under the 1937 Act the court's duty is to inquire into these matters, and to dismiss the petition if it is not satisfied. The fact that there is one case in a thousand where the court is deceived does not justify the retention of the decree *nisi*, he contended, and pointed to Scotland as an example, where "the Lord Advocate, like the King's Proctor, can intervene in cases of suspected collusion, but he must do so before the decree is granted, not after." He wrote that he did not object to the King's Proctor having a right of appeal within six weeks, or to the judge who is not satisfied referring the matter to the King's Proctor. Rarely has a stronger case for any reform been argued. May we wonder when it will receive official consideration ?

Legal Aid

No matter what the crime charged, it is generally accepted nowadays that the accused should be entitled as of right to the same facilities for conducting his defence as those available to the prosecution, even if his means be considerably less. One step in the direction of the attainment of this ideal state of affairs is reported recently to have been taken by the Home Secretary, in circularising the magistrates' courts with written advice to grant legal aid more freely. The reluctance of magistrates' courts to grant aid has been the subject of more than one unfavourable comment in the past. Under the Poor Prisoners' Defence Act, 1930, provision was for the first time made for the defence of poor prisoners in courts of summary jurisdiction. The test established by the 1930 Act, apart from the difficult question of inadequacy of means (which was fully discussed at The Law Society's special general meeting, a report of which appears at p. 66), was the gravity of the charge or the exceptional circumstances attendant on it. The number of cases in which legal aid was applied for and granted in the magistrates' courts from 1931 to 1934 rose from 150 to 216. In 1934 it was refused in 112 cases, and offered without application only in 21 cases. One may judge from these figures of the benefits conferred by the Act, which appear to be negligible in comparison with the immense volume of work covered by the courts of summary jurisdiction. In proceedings with a view to a committal, applications granted rose from 251 to 405 between 1931 and 1934. To-day there is no material change. The mischief appears to be in the words "gravity of the charge" and "exceptional circumstances." Magistrates may, if they so wish, take the view that every criminal charge is grave, but the use of the word "exceptional" has, it is submitted, stood in the way of the full exercise by magistrates of their powers. When legislation is drafted for the provision of full legal aid, this, the greatest of all deficiencies under present conditions, should be given immediate attention.

Surplus Stores and Purchase Tax

A NOTICE issued from H.M. Customs and Excise on 28th January sets out the position as to surplus Government stores, whether new or used, in relation to purchase tax. There is no exemption for these goods, and registered persons must pay the tax in the ordinary way when they sell or appropriate them to the purpose of retail trade or other taxable purposes. In order to obtain the goods at a price exclusive of tax, they should make the usual representation. In some cases Government stores for disposal will be sold at a price inclusive of tax to both registered and unregistered buyers, subject to their requesting from the selling department a written statement that the price is inclusive, and their observance of certain conditions prescribed by the Commissioners of Customs and Excise. Holders of such a statement may resell the goods without liability to purchase tax, but they must keep them separate from other goods, and must enter them into separate accounts. Registered persons who wish to buy materials for manufacture and goods for export should do so under the ordinary tax-exclusive arrangements. Where goods require extensive repair and reconditioning, tax will be payable on the whole value at a later date.

Recent Decisions

In *Minister of Pensions* v. *French*, on 29th January (*The Times*, 30th January), DENNING, J. held that the words "any other injurious act" in s. 8 (1) of the Personal Injuries (Emergency Provisions) Act, 1939, defining war injuries, did not mean any act which in fact caused injury, but meant some act which was intended to cause, or which by its nature would have the natural and probable consequence of causing, injury. His lordship allowed an appeal from the pensions appeal tribunal which had decided that a factory employee had suffered a war injury when she fractured her elbow falling over a bag of steel material while proceeding to the factory shelter after the red and yellow light, the regular warning for taking shelter in an air raid had been shown.

In *Baindail* (*Orse, Lawson*) v. *Baindail*, on 30th January (*The Times*, 31st January), the Court of Appeal (THE MASTER OF THE ROLLS, and MORTON and BUCKNILL, L.JJ.) held that a Hindu marriage, although potentially polygamous, was recognised by English law as valid, and a subsequent English marriage by a party to the Hindu marriage during the lifetime of his spouse was null and void.

In *Linnett* v. *Metropolitan Police Commissioner*, on 31st January (*The Times*, 1st February), a Divisional Court (LORD GODDARD, L.C.J., and HUMPHREYS and COLLINS, JJ.) held that, where a salaried secretary of a company holding several licensed houses was a joint holder of the licences of all the company's premises, he was liable as a "keeper" of such premises for permitting disorderly conduct at one of them in contravention of s. 44 of the Metropolitan Police Act, 1839, and that having left the management of the premises to the other joint holder and delegated his powers and duties under the Licensing Acts to someone else, that person's knowledge must be imputed to the secretary, who must take responsibility for his co-licensee's acts.

In *Joyce* v. *Director of Public Prosecutions*, on 1st February (*The Times*, 2nd February), the House of Lords (THE LORD CHANCELLOR, LORD MACMILLAN, LORD WRIGHT, LORD PORTER dissenting, and LORD SIMONDS) gave their reasons for dismissing an appeal from the Court of Criminal Appeal which had dismissed an appeal from a conviction recorded at the Central Criminal Court after trial before Tucker, J. and a jury, for the offence that, while a person owing allegiance to the Crown, the accused was guilty of high treason by adhering to the King's enemies elsewhere than in the King's realm between 18th September, 1939 and 2nd July, 1940, contrary to the Treason Act, 1351. The general ground for the dismissal of the appeal was that although an alien, so long as the accused held a British passport and had not surrendered it or taken any other step to withdraw his allegiance, he owed allegiance to the Crown. Lord Porter (dissenting) held that the question of whether the allegiance had in fact been terminated should have been left to the jury.

COMPANY LAW AND PRACTICE

WAR-TIME ALTERATIONS

I PROPOSE to-day to continue the process of getting up to date with company law by noticing briefly the various Acts and regulations that have come into force during the war which are concerned with this subject. No doubt there have been very many war-time regulations which affect numerous operations of companies as they do those of individuals, but I shall confine my attention to those concerned principally with companies. I think, however, that it may be as well to refer to the Prevention of Fraud (Investments) Act, 1939, which reached the Statute book before the war, though not becoming immediately effective.

That Act has now repealed s. 356 of the Companies Act, 1929, which is the section restricting the way in which shares may be offered for subscription or sale, and puts in place of it a series of fairly complicated provisions. The Act does not interfere with the dealing in securities by members of stock exchanges or by statutory or municipal corporations, industrial and provident societies, building societies or the managers of unit trust schemes, but in most other cases it makes it necessary for a person who wishes to deal in securities to have a licence from the Board of Trade. The Board of Trade is given considerable power in granting or refusing licences, and may also control, in the manner specified, the way in which the licence holders shall carry on their business. The Act contains provisions for ensuring that industrial and provident societies shall be confined to the purposes for which they were originally intended, and also gives the registrar of building societies a measure of control over the power of raising money that those societies have. With regard to unit trust schemes the Board of Trade is given power to declare by order that any particular one is an authorised one for the purpose of the Act. Probably, however, the most generally important provision is that contained in s. 13, which prohibits a distribution of any circulars containing any information calculated to lead directly or indirectly to the recipient doing any of the following things: Offering to enter into agreement for acquiring, disposing of or underwriting securities or lending money to industrial, provident or building societies, or entering into any agreement for the purpose of securing a profit by reference to fluctuations in the value of securities or of any other property; or offering to acquire any right to participate in profits supposed to arise from the management of property other than securities. This is not an exhaustive list, but I think I have referred sufficiently to the provisions of this Act to indicate the necessity of seeing that any proposals for an invitation to anyone to subscribe for shares in companies should be carefully scrutinised in the light of this Act.

While I am dealing with the actual alterations to the provisions of the Companies Act it will be best now to refer to the Defence (Companies) Regulations, 1940 (S.R. & O., 1940, No. 1213). These, which are to be construed as one with the Companies Act, sound fairly alarming, but in fact the most important regulation is one which provides for liquidators to go to war leaving deputies to carry on the business of winding up the companies of which they were liquidators, without going through the procedure laid down by the rules for resignation. There is also contained in these regulations an alteration in the provisions of s. 110 (1), by which it is no longer necessary for the annual return to be contained in the register of members. Various subsequent additions have been made to these regulations, but none of them has the effect of substantially altering the law relating to English companies. Annual returns before July, 1940, copies of which have gone to the registrar, can be removed from the register of members. There are further provisions which limit the amount of papers which a company is required to keep. They are entitled to dispose of transfer deeds of their securities after three years, subject to certain conditions, and the annual returns for 1942 onwards are not required to contain the information required by subss. (1) and (2) of s. 108, i.e., a list of particulars of all the present members and those who have ceased to be members within the last year.

A provision which may have a considerable importance in sorting out the confusion arising as a result of the war is one enabling companies registered in any territory to which the Emergency Powers (Defence) Act, 1939, can be extended by s. 4 of that Act, i.e., colonies, protectorates and mandated territories, and any other foreign country where the King has jurisdiction, to be registered under the Companies Act. A novel form of legislation is to be found in an order which applies only to Northern Ireland, which automatically, and regardless of the memorandum, empowers companies to resolve by special resolution to grow flax even if it is not an object of the company. Generally, however, very little alteration has been made by this order to the structure of the Companies Act.

The only other war-time Acts which it is necessary to notice are the Liabilities (War-Time Adjustment) Acts. The 1941 Act provides, among other things, that any person who is in serious financial difficulties owing to war circumstances may apply to a liabilities adjustment officer for advice and assistance in enabling him to arrive, with his creditors, at an equitable and reasonable scheme of arrangement, particularly with the object of preserving or of eventually recovering the business. Further, the court has no power in any liabilities adjustment proceedings, which may be instituted by the debtor, or any creditor who cannot because of the war exercise his ordinary remedies, to stop any proceedings against the debtor and to appoint someone to control all his property and finally to make a liabilities adjustment order which shall regulate the rights of the various creditors. The Act defines the way in which the liabilities adjustment order shall be worked out. The importance of the Act on the topic of company law arises from the fact that by s. 15 of the Act it is made to apply to private companies within the meaning of the Companies Act. A private company may apply for a liabilities adjustment order when a special resolution in favour of the application has been passed. The court has to be satisfied that the object of the company is to carry on a business for profit, and that the application has in view the company being able to carry on or recover that business.

I have not space to deal with the complicated machinery laid down by the Act or the subsequent provisions relating to liabilities adjustment contained in the Act of 1944. I have just indicated its provisions, as it contains a statutory alternative to winding up in the case of a private company which is unable to pay its debts as a result of war conditions.

The other regulations which it is necessary to notice in some detail, and which are perhaps the most important ones in the sense that their provisions come into play more often than any of the others, are the Defence (Finance) Regulations, 1939 (S.R. & O., 1939, No. 950). Those regulations contain, among numerous other provisions, restrictions as to the transfer of shares and on the issue of any bearer bonds, share warrants to bearer or other bearer securities, but the most important regulation is reg. 6 which concerns capital issues. This was introduced as a war-time measure, but it seems likely that some similar sort of control will continue to be exercised: see the Investment (Control and Guarantees) Bill. By the 1939 Regulation the consent of the Treasury is required before anyone can make an issue of capital in the United Kingdom or any public offer of securities for sale or renew or postpone the date of maturity of any security. The regulation defines an issue of capital and securities in such a way as to make it very difficult to think of any way of raising money without coming within the provisions of the regulation.

It is provided that any prospectus or similar document must include a statement that the necessary consent has been received to make an issue, but if in fact an issue is made

without such consent that does not invalidate the securities issued.

That regulation contained a general prohibition of making any issue without the consent of the Treasury. The position has been modified by a series of Capital Issues Exemptions Orders. By the 1941 Order an issue of capital and similar transactions were allowed when the value did not exceed £10,000, including the value of all similar transactions within the twelve months preceding the issue. A number of other transactions were also permitted by that order, e.g., the issue of fully-paid securities in a private company under certain conditions to the vendors of an undertaking, and the issue of shares for a consideration not exceeding £100 to the subscribers of a memorandum. The various transactions, of which there are twelve, are specified in the order, and various alterations to the original paragraphs have been subsequently made. The right to make capital issues of the value of £10,000 was restricted to companies incorporated before the 1st December, 1944 by the 1944 Order, but by the 1945 Order the value of the permitted transactions was increased to £50,000 (S.R. & O., 1945, No. 587).

This then concludes a very quick review of the alterations to the general topic of company law that have come into force since just before the war. There are various other provisions which do or may affect companies, but the ones referred to above are the main ones which those dealing with this subject should bear in mind.

A CONVEYANCER'S DIARY

PLEADINGS IN THE COUNTY COURT

I HAVE read with interest the "Landlord and Tenant Notebook" of 22nd December, 1945, about pleadings in the county court. My learned colleague is concerned with the difficulties which follow from laxity in regard to particulars of claim. I have certain observations to make on the subject generally, and more especially on the later stages of pleading.

Readers of this column may remember that I have frequently urged the extension of the county court jurisdiction in property matters and a greater use by litigants of the existing jurisdiction. Such a plan seems necessary to meet the needs of those very many middle-sized cases where now the parties have to choose between the expense of the High Court and taking no proceedings at all.

One theory of the county court is, I think, that it is a "poor man's court" where "rough justice" is done, and that technicalities, whether of pleading or otherwise, are to be deprecated. No doubt there is much to be said in favour of this view in cases which do not raise points of law, and in any case which the parties feel able to conduct in person. It would, of course, be monstrous to non-suit a litigant in person, especially in a small matter, because he did not observe some technical rule of practice.

On the other hand, this view tends to an under-estimate of the usefulness of pleadings. I was talking recently to a member of the Bar with an extensive practice in the county court, who seemed to have the idea that actions could more easily be dealt with in the absence of pleadings. With great respect, I cannot help feeling that such an attitude is unfortunate. Pleadings in the High Court have as their sole aim and object the ascertainment in writing before the trial of the real points at issue. Their purpose is to narrow down the questions to be tried, to get agreement and admissions on as many points of fact as are not really in controversy and to save time and irrelevance at the hearing. By sacrificing pleadings in a case of any complication one invites a discursive trial, and one risks the necessity of an adjournment for the advisers of the parties to consider new points brought up at the trial of which they had no previous notice. It follows that not only should adequate Particulars of Claim be insisted upon more generally, but also that changes are necessary in the other county court rules about pleading.

Under Ord. IX, r. 4, a defendant in an ordinary action who disputes his liability is required to enter a defence within eight days of the service of the summons upon him. By r. 4 (4), however, a defendant who fails to deliver such a defence may, nevertheless, deliver a defence at any time before the return day; moreover, he may, without delivering any defence at all, appear on the return day and dispute the claim, subject to the liability to pay any costs properly incurred in consequence of his delay or failure. Later sub-rules entitle the plaintiff to call for further particulars of a defence which has been put in and also entitle the court (presumably on the application of the plaintiff) at any time before the trial to order the defendant to deliver a defence.

Under these provisions not only is it possible for a case to come to trial without any written defence at all, but in cases where there is such a defence there is no obligation upon the defendant to plead specially any of those statutory and other defences which have to be so pleaded in the High Court. Further, although Ord. IX, r. 9, allows a defendant to set up a counter-claim, there is no provision allowing or requiring a defence to a counter-claim. Again, the plaintiff has no opportunity of reply. The effect of these provisions and omissions may be unfortunate in cases where there is any matter of difficulty to be argued. Thus, I was once engaged in a county court action which was settled after the brief had been delivered. So far as the brief disclosed, the action was undefended, and in preparing for the trial I had to cast about to see what defence might be put up at the hearing. The correspondence showed that one line of defence was likely, and to that line there was a clear statutory reply. Such reply had not been pleaded, and could not have been even if a defence had been lodged. After the settlement, I had occasion to discuss the case with counsel on the other side and then discovered that there was another alleged defence. It had been pleaded in a defence drawn by counsel but never delivered, but which would, no doubt, have been produced at the hearing if the action had proceeded. This line of defence was not even hinted at in the correspondence, and I should certainly have been taken by surprise by it at any trial. Moreover, on further examination, it seemed clear that there was a statutory reply to it also. Seeing the defence for the first time at a trial, away from one's books, one might or might not have remembered the statutory reply in time to win. Hence the trouble and cost of an appeal would have been inevitable. As it happened, the parties compromised the proceedings because they did not want the trouble of a trial. Had pleadings been put in according to High Court practice, it would have been apparent long before the trial which side was bound to win. This is only an isolated personal experience, and in most cases of a Chancery kind which I have seen there have, in fact, been full particulars of claim and defence in the High Court manner. But they may often be incomplete without a reply. Thus, in an action by A against B for a debt incurred seven years ago, A will plead the debt, B (if he pleads at all) will plead the Limitation Act, but A will have no chance of pleading postponement of the running of time owing to the infancy of A at the date when cause of action accrued. In a case like that full pleadings might very well prevent a trial being needed at all.

I venture to suggest that the true solution is somewhat as follows. Let it be admitted that the county court will necessarily and often be a court frequented by litigants in person. Such litigants could not fairly be bound by technical rules of pleading, and in any event pleadings drawn by them would not really be calculated to narrow the issues. The utility of such pleadings would therefore be very small indeed. On the other hand, the county court is a forum in which cases both small and middle-sized may arise, and indeed ought more often to arise, involving matters of real difficulty. Such cases will generally be conducted by solicitors, if not also by counsel. Would it not be possible, therefore, to provide that in any case where a solicitor appears on the record on behalf of either party, that party will be bound to plead as

strictly as in the High Court and will at the same time have the facilities for reply and defence to counter-claim afforded by the rules of the Supreme Court? The litigant in person, on the other hand, would not be bound by any stricter rules than the present ones, but it would have to be understood that if this privilege were abused he might be mulcted in costs. This suggestion is made with diffidence and tentatively, but from a desire to make the county court a more satisfactory forum for cases of a Chancery character falling within its jurisdiction, whether or not that jurisdiction be extended.

There is one other thing. Though in many matters the county court rules are strikingly untechnical, the enactments about declarations and injunctions are of an extremely technical character. These forms of relief can only be granted as ancillary to relief by way of damages, and it is therefore possible to lose an action in the county court, where the real relief sought is a declaration or injunction, for want of having pleaded some tort or breach of contract to support a claim for damages which in turn supports the claim for an injunction or a declaration. Another technical difficulty arose in *Brett* v. *Thrower* [1945] K.B. 521. An action had been brought for damages for trespass in cutting and mutilating a number of shrubs growing in the plaintiff's garden and against the plaintiff's wall. The defence was a denial of trespass and alternatively that any trespass committed was for the purpose of abating a nuisance. The defendant also counter-claimed for £20 damages to her wall, which she alleged the plaintiff had unlawfully used to support a shed built on the plaintiff's land but resting on the wall. The defendant also asked for a declaration that the plaintiff was not entitled to maintain a shed on the wall or to keep shrubs against it, and for an injunction. The county court judge held that the plaintiff had suffered no damage in respect of the trespass, and he also dismissed the whole of the defendant's counter-claim with costs. Without the leave of the county court judge, the defendant then appealed. The appeal was dismissed upon the preliminary point that the action was one in tort for a nuisance, and that the damage claimed by the defendant did not exceed £20. Accordingly under s. 105 of the County Courts Act, 1934, there was no right of appeal without leave. It looks as if the real matter at issue between the parties on the counter-claim was not the damage, but whether the shed and shrubs might stay where they were. Owing to the rule that injunctions and declarations are ancillary and not substantive in the county court, the whole proceeding had to be treated as one of tort and on the basis of an apparently ridiculously large claim for damages. Even so, the size of the claim was not enough to support an appeal. Is there really any need for technicalities of this kind to be continued?

LANDLORD AND TENANT NOTEBOOK

COMPETENT INDEPENDENT CONTRACTORS

Blake v. *Woolf* [1898] 2 Q.B. 426 and *Haseldine* v. *C. A. Daw & Son, Ltd.* [1941] 2 K.B. 343 (C.A.) are two authorities which, at first sight, have little in common beyond the fact that in each case the defendant was a landlord of a building let out in parts who was held not to have failed in the discharge of his duty as regards the condition of part of the premises not demised. The older case is not among the many decisions cited in the course of the more recent one. But it is interesting to note that in each case the defendant owed success to his having employed *prima facie* competent experts.

Blake v. *Woolf* was the case of ground floor tenant whose premises became flooded by water from a leaky cistern on an upper floor, the cistern being retained premises. A leak was discovered on a Friday and reported to the defendant, who instructed a plumber to remedy it. The plumber carried out the work negligently, and on the Monday morning the plaintiff's premises and goods were found to have suffered damage by escaping water. He did not invoke the tenancy—it may be because there was by then sufficient authority to show that claims for breach of covenant for quiet enjoyment or derogation for grant were foredoomed to failure in such cases—and the argument rested on *Rylands* v. *Fletcher* and negligence. The former was easily distinguished because there was no extraordinary user and of the element of consent to the presence of the dangerous substance. If was therefore necessary to show default or negligence; and it is here that the qualifications of the plumber become important. Earlier in the judgment, we are merely told that the defendant sent for an independent plumber; but when dealing specifically with the question of negligence Wright, J., says: "If he [the defendant] had endeavoured to repair the leakage himself he would, as has been pointed out, have been guilty of the worst kind of negligence. He, however, sends for a *skilled* plumber, and it is in consequence of the negligence of this man or his servants that the damage occurs . . . I think that the ordinary rule that a person is not responsible for the negligence of an *independent* contractor applies, and that the defendant is not liable." And the judgment of the City of London Court, where it had been held that the defendant was responsible for the negligence of the plumber, was set aside.

In *Haseldine* v. *C. A. Daw & Son, Ltd.*, the plaintiff, when on his way to call at a fifth floor flat, was injured by the collapse of the lift in which he was travelling. The case is, perhaps, best known as an illustration of the principle of *Donoghue* v. *Stevenson* [1932] A.C. 562, by virtue of which the plaintiff recovered damages from the repairers of the lift, the landlords' co-defendants; against the landlords his action failed. Their duty is most fully examined in the judgment of Scott, L.J. After holding that it was less than the duty of an insurer, the learned lord justice said: "The landlord of a block of flats, as occupier of the lifts, does not profess to be either an electrical, or, in this case, a hydraulic engineer. Having no technical skill he cannot rely on his own judgment, and the duty of care towards his invitees requires him to obtain and follow good technical advice. If he did not do so, he would, indeed, be guilty of negligence. To hold him responsible for the misdeeds of his independent contractor would be to make him insure the safety of his lift . . . In the present case the landlord was ignorant of the mechanics of his hydraulic lifts, and it was his duty to choose a good expert, to trust him, and then to be guided by his advice."

The two cases essentially, of course, illustrate a principle of the law of torts rather than one of the law of landlord and tenant; but the torts dealt with are torts of which landlords are readily accused, and the importance of the principle is great to those property owners who find it worth their while to maintain their own staff of estate workmen, including plumbers, if not hydraulic engineers.

It will be noted that in each of the two cases emphasis was laid not only on the independence of the contractors engaged but also on their competence, so that a landlord who does not employ his own men on technical work may yet be liable if he does not exercise care in selecting contractors. I do not think there is any authority to illustrate what degree of care that particular process demands, and some day we may have a case on the position of a landlord who has in good faith employed an incompetent independent contractor.

RATEABLE VALUE AND CONTROL

The facts of *Eyre* v. *Haynes* (1945), 90 SOL. J. 55, are a little out of the ordinary, but they remind us of the possibility of a dwelling-house changing its status as regards control by losing its identity. Stated chronologically, the facts were: On 6th April, 1939 (the "appropriate day" for dwelling-houses within the administrative County of London), a London house was rated at over £100 per year. It appears to have been let at the time. Next, it was damaged (in an air-raid) in December, 1940. Its rateable value was then reduced to something less than £100. It was let by the plaintiffs to the

defendant for two years from Lady Day, 1943, and when they claimed delivery up the tenant contended that the Rent, etc., Restrictions Act, 1939, applied.

The county court judge found, as a fact, that it was the same house as before, and the Court of Appeal considered that there was evidence to support this finding, observing also that the reduction in rateable value might have had nothing to do with the damage. But for this finding, we might have had authority on the question whether the 1939 Act affects new houses, which has exercised some minds considerably. The report gives the tenant's contention as being that the 1943 letting was a first letting, and refers to s. 7 (1) of the Act; but the contention would have to be supported by a reference to subs. (3) of that section, which enacts that, in relation to any dwelling-house first assessed after the appropriate day, the rateable value on the day when it is first assessed determines status. But the position here appears to have been that there was less of the same house, and not a different structure, such as freed houses converted into a factory in *Phillips* v. *Barnett* [1922] 1 K.B. 222 (C.A.).

TO-DAY AND YESTERDAY

February 4.—On 4th February, 1572, the Gray's Inn benchers agreed to grant Humphrey Purefoy a building lease of a piece of land which afterwards became the site of No. 12 and possibly No. 11, South Square, at the north end of its west side. It was then occupied by "the new coal houses" and adjoined a gate known as the Field Gate. To the south of it stood Fuller's Buildings. Purefoy in his petition referred to the "great charges which he mindeth very orderly and decently to bestow in the building" of the chambers. They consisted of a double staircase and stood till 1655.

February 5.—In 1891, while Florence Elliot, a young woman of good social position, was engaged to Captain Arthur Osborne of the Carabineers, she became involved in a scandal. She had stayed with friends, a Major and Mrs. Hargreave, at Torquay, and, after she left, some of her hostess's jewellery was missed. It was eventually found to have been sold to a City of London firm for £550 by a "Mrs. Price." Investigations were made, and eventually the Hargreaves accused their guest of the theft. She brought an action for slander, Captain Osborne having meanwhile married her, but on the fifth day of the trial, during which her case seemed to have been going well, a letter to the judge revealed an unexpected clue. After an adjournment her counsel submitted to a verdict for the defendants. There was issued a warrant for her arrest, charging her with obtaining money by false pretences, and on 5th February, 1892, she appeared at the Guildhall. No evidence was offered, but on leaving the court she was re-arrested and taken to Bow Street. At the Old Bailey she pleaded guilty and was sentenced to nine months' hard labour.

February 6.—On 6th February, 1688, Philip Stansfield, the profligate son of Sir James Stansfield, appeared before the court at Edinburgh charged with the murder of his father, whose body had been found strangled in the river near his home at Haddington. After his father had signified his intention of disinheriting him and settling the estate on his second son, Philip had been heard to declare that he would kill him. After the body had been brought in, he took possession of the money out of his father's pocket and removed the buckles from his shoes, putting them on his own. It was also regarded as weighty that when he touched the neck of the corpse blood gushed out.

February 7.—Next day, 7th February, after legal objections to the indictment had been overruled, the witnesses were heard and Stansfield was convicted. He was condemned to be hanged and also to have his tongue cut out for cursing his father.

February 8.—On 8th February, 1821, Sir Francis Burdett, convicted of seditious libel in respect of his letter to the Westminster electors protesting against the "Peterloo Massacre," when the cavalry charged a large public meeting at Manchester demanding parliamentary reform, was sentenced in the King's Bench to be fined £2,000 and imprisoned for three months.

February 9.—On 9th February, 1574, the Gray's Inn benchers excused Richard Chiswell from his Reading because of his infirmities and named Christopher Yelverton instead. Yelverton's ancestors had a long connection with the Inn and he claimed that "two hundred years ago at the least have some of them lived here and from hence have risen to serve in honourable room." He became a judge of the Queen's Bench.

February 10.—Yelverton had chambers in Serjeant Shute's Buildings just north of the gate into Gray's Inn Lane. On 10th February, 1579, Edward Ellis was allowed to build from Shute's Buildings to Ashton's Buildings in the north-east corner of the Green Court or Coney Court, now the north part of Gray's Inn Square. Also, that the court might "be reduced to some uniformity of a quadrant," Walter Strickland was given a building lease of the ground on the north side from Ashton's Buildings to Daniel's Buildings on the west side of the court, approximately where No. 4, Gray's Inn Square afterwards stood. The building was in fact done by Sir Edward Stanhope.

The Jameson Raid

Recently, a secret document bearing on the Jameson raid into the Transvaal Republic fifty years ago was opened at the South African public library in Capetown and handed back to the trustees. The contents were not disclosed. The raid of Dr. Leander Jameson and his 500 horsemen was to have been the signal of a *coup d'etat* by the "Uitlanders," the non-Boers, who were denied the rights of citizenship in the Boer republic. The adventure failed at the outset; the raiders surrendered; and Jameson was handed over to the British authorities for trial. In the sequel, he and five of his principal officers were tried at Bar in the Queen's Bench in July, 1896, the trial, before Lord Chief Justice Russell, Mr. Baron Pollock and Mr. Justice Hawkins, lasting seven or eight days. Sir Richard Webster, the Attorney-General, Sir Robert Finlay, the Solicitor-General, and Horace Avory appeared for the Crown; Sir Edward Clarke led Carson for the defence. The prosecution was under the Foreign Enlistment Act, passed during the Franco-Prussian war "to regulate the conduct of Her Majesty's subjects during the existence of hostilities between foreign States with which Her Majesty is at peace," with the immediate object of discouraging the enlistment of British subjects in the contending armies. In this case, in which the prisoners were public heroes, it was impossible to secure an impartial jury or to keep the atmosphere free from politics. Clarke relied on the preliminary objection that the place where the raid had been fitted out was not actually "British territory" within the meaning of the Act, but the public at large cared nothing for the Act, if it was to stand in the way of the civilising mission of the British race. Carson would have been in favour of a vigorous popular appeal and would have fought the case on the merits, claiming that Jameson was only executing a public duty in a disordered country in attempting to protect British subjects, but his advice was rejected.

The Strong Chief Justice

Even so, there was considerable likelihood that the jury would insist on acquitting, but the Lord Chief Justice was determined to uphold the integrity of the law, even in the face of the strongest national prejudices. The accused had undoubtedly broken the law; the Boer republic had handed them over for trial, and British justice must prove itself to be above political considerations. The summing up was a forcible statement of the case against the prisoners, and it was delivered amidst tense silence in the crowded court. At the end, instead of leaving it to the jury to find a verdict of Guilty or Not Guilty, the Chief Justice required them to answer a series of specific questions, so worded that, short of a flagrant disregard of the evidence, they could only be answered one way. After a retirement of an hour and five minutes, the foreman reluctantly returned the answers and Lord Russell announced that they amounted to a verdict of Guilty. Amid a tense atmosphere, Clarke rose to protest. "I cannot hear you, Sir Edward," said the Chief Justice sharply. "But, my lord——" "I cannot hear you. I will allow no one to interfere between me and the jury." Clarke persisted in his efforts, but he lost the duel of personalities. "Sit down, Sir Edward, sit down," thundered Lord Russell, and then told the hesitating foreman that England's honour depended on their verdict. After an agonising pause, the word "Guilty" was finally uttered.

COUNTY COURT LETTER

Accident to Omnibus Passenger

In *Sutton* v. *Leicester Corporation*, at Leicester County Court, the claim was for damages for negligence, viz., £43 4s., including £18 special damage—the latter being agreed subject to liability. The plaintiff's case was that she was mounting an omnibus and was thrown off by a sudden jerk and swerving. The vehicle started without warning when the plaintiff had one foot on the platform. The defence was that the conductress gave the plaintiff time to get inside the bus before giving the signal to start. The plaintiff, however, staggered and fell off. The driver's evidence was that the omnibus was built to prevent jerking, and the plaintiff had admitted to him that the accident was due to her own fault. His Honour Judge Field, K.C., held that the omnibus did not jerk and was not going at all fast. Judgment was given for the defendants, with costs.

Decisions under the Workmen's Compensation Acts

Redemption of Weekly Payments

In *Desford Coal Co., Ltd.* v. *Attfield*, at Leicester County Court, an application was made for the redemption of the periodical payments of compensation. The applicants' case was that redemption was allowed in cases in which there was no probability of the man so far recovering as to be fit for any well-recognised branch of industry in the labour market. The respondent's case was that he was crippled for life and the amount offered was inadequate. His Honour Judge Field, K.C., held that the respondent had agreed to the amount, which was the maximum permitted. The court had to decide according to the Acts existing. An order was therefore made for redemption on payment of £1,415 18s. 3d.

In *Desford Coal Co., Ltd.* v. *Bancroft*, at the same court, the facts were similar. Redemption was ordered on payment of £1,442 14s. 6d.

BOOKS RECEIVED

Tolley's Income Tax Tables for 1946-47 at 9s. London: Waterlow & Sons, Ltd. 2s. net.

Conversion of existing Houses. Report of the Sub-Committee of the Central Housing Advisory Committee. London: H.M. Stationery Office. 1s. net.

Law and Practice of Divorce and Matrimonial Causes. By D. Tolstoy, of Gray's Inn, Barrister-at-law. 1946. pp. xxxv and (with Index) 386. London: Sweet & Maxwell, Ltd. 30s. net.

Warmington's Divorce Law. By L. Crispin Warmington, Solicitor of the Supreme Court. 1945. pp. xlvii and 262. London: Law Notes Lending Library, Ltd. 25s. net.

The Annual Charities Register and Digest. Fifty-third Edition. 1946. pp. (with Index) 501. London: Longmans, Green & Co. 10s. 6d. net.

Defence (Finance) Regulations and the Trading with the Enemy Act of the United Kingdom in relation to countries of the World including coins and notes of the World. Compiled by S. B. Hlys, LL.B. (Lond.) and H. G. Hodder. 1946. London: Thos. Skinner & Co. (Publishers) Ltd. 2s. 6d. net.

Studying Law. Selections from the writings of Albert J. Beveridge, John Maxcy Lane, Munroe Smith, Roscoe Pound, Arthur L. Goodhart, Eugene Wambaugh, John H. Wigmore, Charles B. Stephens. Edited by Arthur T. Vanderbilt. 1945. pp. (with Index) 753. New York City: Washington Square Publishing Corporation. $4.75.

Burke's Loose-leaf War Legislation. Edited by Harold Parrish, Barrister-at-law. 1944-45. Volume, Part 14. London: Hamish Hamilton (Law Books) Ltd.

Paterson's Licensing Acts. Fifty-fourth edition by James Whiteside, Solicitor of the Supreme Court and Clerk to the Justices for the City and County of the City of Exeter. 1946. pp. cxvi, 1561 and (Index) 185. London: Butterworth & Co. (Publishers) Ltd. Thick edition 32s. 6d. net. Thin edition 36s. net.

Trade Unions and the Law. By Henry Strauss, of the Inner Temple, Barrister-at-law. 1946. pp. (with Index) 78. London: McCorquodale & Co. 2s. net.

Mr. C. L. Henderson, K.C., and Mr. W. A. Fearnley-Whittingstall have been appointed chairman and deputy-chairman respectively of Bedfordshire Quarter Sessions.

THE LAW SOCIETY

SPECIAL GENERAL MEETING

(*Concluded from p. 56*)

Limits on Legal Aid

Mr. Claude Hornby (London) recalled that the terms of reference of the Rushcliffe Committee had been to see what facilities existed for giving legal advice and assistance to poor persons and to see that poor persons had such facilities at their disposal; and to modify and improve as far as seemed expedient the existing system of litigation. He whole-heartedly agreed with the principle of assisting poor persons, but he begged the Society to be careful that litigants who could pay should not receive State-aided legal assistance. He referred, he said, particularly to criminal procedure, which did not interest the majority of the profession, although 80 per cent. of the country's litigation passed through the criminal courts. He did not know of any adviser of the Rushcliffe Committee who was familiar with the office-work of a solicitor in criminal practice. The Rushcliffe Report contained a number of anomalies. In civil litigation it suggested a ceiling limit of £420 net, after deduction of income tax and allowances for children—pre-supposing about £650 gross. It then provided for an elaborate inquiry into means. A man earning £5 a week had to contribute £26 if he was married and £52 if he was single, and inquiry was made into the applicant's possession of capital, reversions or insurance policies. If a litigant sustained a serious injury in a motor accident and lost his action, he might have to contribute £150 out of his life savings of £200; yet a man charged in a criminal court could have legal aid "where it appeared desirable in the interests of justice" without any sort of inquiry into his means. The old Poor Persons Defence Act, 1930, with slight extensions—and the fees quadrupled at least—would work perfectly well administratively. Nobody now went without legal representation who ought to have it. If, however, it were left to a kind-hearted magistrate to say: "This is a serious charge; the prisoner ought to have legal representation," it was hard to see where the limit would be drawn. A prisoner charged with black market offences, receiving stolen property or being drunk in charge of a motor-car would, of course, accept legal aid if he were offered it, although he might be perfectly well able to pay. As an example, the father of a prisoner charged with stealing jewellery from a shop had paid him an adequate fee for the police-court appearance, had gone surety in £500, and had said he would pay for a leader at the Old Bailey if Mr. Hornby considered it desirable. Under the proposed scheme this prisoner would be defended at the expense of the unfortunate taxpayer unless proper safeguards and inquiries were instituted.

On the civil side, Mr. Hornby was much afraid that the Rushcliffe Report had been issued too quickly. The old relationship of solicitor and client was going to be taken away, and the profession were going to have area committees, local committees, forms to fill in, red tape galore, and a much larger staff. The solicitor paid by the State had to tax his bill before the clerk to the justices, and so instead of being able to quote a lump sum, which litigants liked much better, both he and the clerk to the justices would have to employ more staff. In future, litigants would be strongly tempted, instead of settling actions in the early stages or accepting money paid into court, to say: "Well, it's the State's money; let's have a crack and see what we can get if we go as far as the jury." He could not count the number of appeals he had turned away from his office in the past for fear of the sentence being increased. Now solicitors would be tempted—for the client always wanted to appeal—to take the risk.

He hoped that, before a scheme was prepared, members would have an opportunity of expressing their views on criminal costs. He was very glad to hear that the Society was still in a position to approach the Lord Chancellor concerning the criminal side of the report. There was no hurry; the Government had plenty of other work to do and could well afford to let this reform wait for a little. This was the moment for the whole profession to have a substantial increase in their charges. He pointed to the increase in income tax, in local charges and in overheads, and the difficulty created when posts had to be found equal to the standing of members of the staff who returned from the Forces with high commissioned ranks, and to the disadvantages under which a solicitor laboured in comparison with industrial workers.

Mr. A. C. Prothero (London) supported Mr. Hornby's suggestions.

Mr. S. C. T. Littlewood (Kingston), a member of the Council and of the Rushcliffe Committee, said, in reply, that he was very glad somebody had criticised the Rushcliffe Report. He would have liked to see Mr. Hornby's suggestions made two years earlier. The Law Society's evidence before the Committee had suggested that The Law Society should control the administration of the whole scheme, criminal as well as civil. Under the Poor Prisoners' Defence Act, the cases in which legal aid could be granted were somewhat limited, and so the report recommended that legal aid should be possible in all cases in the criminal courts, including bastardy cases, matrimonial cases, and cases under the Small Dwellings Acquisition Act. The report also recommended that solicitors and barristers should receive adequate remuneration. It had not suggested that there should be a scale, though it had suggested that a new scale should be drawn up for county court cases. The Committee had realised that men of wide experience in magistrate's courts would be entitled to larger remuneration for their services than persons of lesser experience. He would be extremely sorry to see a scale introduced into the magistrate's courts, for it would do great injury to the solicitors' profession and would not help the public.

It would mean that the really capable solicitor advocates would not play, and that would be most unfortunate. The taxpayers' interests would be well looked after by the Treasury and Parliament; solicitors would be wiser to look at the matter from their own angle, realising that in doing so they could help the public, who demanded these facilities or the inquiry would not have been instituted. He did not agree that the report provided that everyone as of right should have a certificate for legal aid. The Committee had never intended the provision to be so wide. In a civil case plenty of time was available for the inquiry necessary to a means test. The magistrate's court, however, dealt with cases very quickly—sometimes too quickly. The report recommended that four days should elapse between the application for a certificate and the hearing of a case. That was not a long time to carry out an exhaustive means test. Therefore the recommendations for the criminal courts had been deliberately made easier and freer. To make accused persons prove their means before a certificate could be granted might impose hardship in magistrates' cases, where speed was so important. It was not difficult to get money out of people in trouble: they borrowed from their friends and relations, who sometimes could ill afford it, or even sold their property. The Committee did not wish this to happen. Many innocent men were charged, and it was not right that they should have to sell everything they owned to get legal aid. In hundreds of cases it would not be proper for magistrates to grant a certificate because they would know that the defendant could pay for his own defence. It was better, however, that the State should pay in a few unnecessary cases than that defendants sadly needing aid should be denied it because the means test was too stringent.

It would be a good thing in the interests of justice if more actions were fought instead of being settled. How many times had members had to say to a client suing for damages in a running-down case, "the insurance company has offered £250; if you won you would get three times that, but there is a terrible risk, because if you go down I can't tell you how much you will have to pay in costs and your home will be sold over your head"—and the client had settled because of that fear? A few cases, perhaps, ought to be settled and were not, but he had sufficient faith in his professional brethren to believe that they were very few. Mr. Hornby's remarks about red tape were not quite fair. The local and area committees were to consist of solicitors, and the Council of The Law Society would be in control and answerable to the Lord Chancellor. Any red tape would be introduced by solicitors, and as the members of the committees would be elected by the profession and appointed by the Council, it would be the profession's fault and not the State's.

Before solicitors could get any increase in their costs they would have to satisfy the Lord Chancellor, the Lord Chief Justice, and the Master of the Rolls that an increase was necessary, and to do so they would have to produce figures. Earlier in the war the Council had obtained an increase of 12½ per cent., and members would be surprised if they knew the difficulty the Council had met in obtaining the information necessary to justify the increase. If the Council decided to ask for another increase, he hoped that every member who had cheered so loudly at Mr. Hornby's suggestion would produce his own figures so that the Council could convince the Lord Chancellor that the profession were not being paid enough.

Mr. C. P. GROBEL (London) declared that the time had arrived when solicitors should press for a return to trial by jury. One of the chief safeguards against lawlessness was for the community to take part in the administration of justice. Now that Government Departments were passing so much legislation that was not subject to review by the courts, the more of the public who knew the position the better. One of the ways in which citizens could realise that state of affairs was by sitting on juries and hearing how ham-strung the court was.

Mr. BARRY O'BRIEN (London) hoped that members could rely upon the Council to fight to the uttermost to maintain the freedom of the profession against interference by the executive, and from the threat which was now facing the medical profession.

Mr. J. DYKES (London) said he was astonished by the congestion which had developed in the Divorce Registry since he had gone to the war. The sealing and service of a petition, which had taken forty-eight hours, now normally took three weeks—a bad start for a divorce case. The number of registrars had not been increased and the staff was probably less than before the war, whereas the volume of business seemed to have increased five times. The registrar of the day, to whom solicitors had been able to refer the difficult points of practice which constantly arose under the present rather formalised procedure, was now so pre-occupied with ordinary summonses that an inquirer might have to wait for an hour to see him. The Registry seemed to be full of long queues.

Mr. J. T. GOLDSMITH (London) mentioned the long delays usual also at the Land Registry, and said that these delays, for which solicitors were not to blame, were a large factor in their clients' dissatisfaction.

Mr. G. A. MACDONALD (Portsmouth) expressed concern at the tendency, particularly in insurance legislation, to exclude the legal profession from assisting the public. The inference was that the public lacked confidence in the profession's past conduct of that kind of business. This lack of confidence was quite unjustified but called for active investigation by the Council. Solicitors whom he had met at the refresher courses—men admitted some fifteen years ago—expressed substantial criticism of The Law Society. Most of this criticism was thoughtless and practically all of it was ill-informed, but, unfortunately, it existed. All solicitors should do something about this state of affairs. Few of the solicitors who had returned from the war had attended the present meeting. The profession as a whole lacked interest in its corporate affairs, and unless something was done to stimulate interest this apathy would have severe repercussions during the next few years.

The PRESIDENT, in reply, declared that the Council would agree with every word Mr. O'Brien had said; it would take serious note of the need for a return to trial by jury, and had constantly made representations against delays in Government registries. He was sure that the authorities would do their best to remedy the present state of affairs. The Council much regretted the great lack of interest among the profession generally. They had done all they could to stimulate interest and realised that the power of the profession would be greatly increased if it had more unanimity and fellowship.

ANNUAL MEETING OF THE BAR

COMMITTEE ON NEW CONSTITUTION

The annual meeting of the Bar, which began on the 18th January and was continued on the 25th, was resumed on the 1st February at the Old Hall, Lincoln's Inn, with the Solicitor-General, Sir FRANK SOSKICE, K.C., M.P., in the chair.

On the previous occasion the meeting had passed a resolution, moved by Mr. G. GRANVILLE SHARP, in these terms:—

"1. That in the opinion of this meeting the constitution and bye-laws of the General Council of the Bar are not in conformity with modern needs, and that it is desirable to appoint a committee composed equally of members of the General Council and other practising barristers to draft a new constitution and bye-laws to be submitted to a special general meeting of the Bar to be called for the purpose on or before the 17th April, 1946, to adopt or amend the same.

"2. That in the opinion of this meeting it is desirable that in any such draft constitution provision should be made whereby a general meeting of the Bar shall be called on the requisition of not less than forty practising barristers."

At this resumed meeting members agreed that a joint committee should be set up with the following constitution:—

From the general body of the Bar: Mr. D. N. Pritt, K.C., Mr. Gilbert Paull, K.C., Mr. G. O. Slade, K.C., Mr. Granville Sharp, Mr. Aiken Watson, Mr. Gerald Gardiner, Mr. Gerald Howard, Mr. P. J. Sykes, and Mr. C. G. L. Du Cann.

From the Bar Council: Sir Charles Doughty, K.C., Mr. Russell Vick, K.C., Mr. H. O. Danckwerts, Mr. G. F. Kingham, Mr. William Latey, Mr. R. E. Gething, Mr. Fitzwalter Butler, Mr. Garth Moore, and one other to be nominated.

This committee was given discretion to regulate its own procedure and to co-opt representatives of sectional interests. It will endeavour to circulate to the whole Bar, in good time before the special meeting, a draft of the proposed new constitution with an explanatory memorandum.

The election of members to the Bar Council, the first since the beginning of the war, which is to be held this spring, will be postponed until the new constitution has been adopted. In order that nominations for election, which under the present constitution must be made within a week of the annual meeting, may be in order, the annual meeting was again adjourned to a date to be fixed.

A vote of thanks was accorded to the retiring auditors, Mr. H. G. Robertson, Mr. Wilfrid Price and Sir William Valentine Ball, O.B.E.; and Mr. Robertson, Mr. Price and Sir Bertrand Watson were elected auditors of the Council's accounts for the ensuing year.

REQUISITIONED LAND AND WAR WORKS ACT.

The Treasury has appointed 24th February next, as the appointed day for the purposes of s. 45 of the above Act. Where, therefore, the compensation paid for land requisitioned before the passing of the Act is lower than the level of the rental values for comparable land both on 31st March, 1939 and 24th February, 1946, it may be raised to the lower of these two levels with effect from the latter date. The Act provides that notice of claim for revision of compensation under the section may be made on the form prescribed within six months of 24th February, 1946, or of the date when the land was derequisitioned, whichever is the later.

KENNINGTON LAW CLUB

The fourth meeting of the Kennington Law Club was held on Monday, 28th January, taking the form of a moot. The case argued involved the question whether the principal's malice is to be imputed to the agent thereby to destroy qualified privilege. Mr. Gilbert Paull, K.C., constituted the bench, and Mr. J. P. Eddy, K.C., Mr. G. O. Slade, K.C., Mr. G. Jamieson and Miss Fay Berman acted as counsel. The forthcoming meetings of the club are: (i) Tuesday, 19th February, a joint moot with Christ Church Law Club; (ii) Wednesday, 5th March, lecture by Mr. Moran on law reporting; (iii) Wednesday, 26th March, address by Mr. Justice Hilbery on the advocate's duty; (iv) Wednesday, 3rd April, a moot. All further particulars are obtainable from the Hon. Secretary, Miss B. J. Stewart, Kennington L.C.C. Institute, S.E.11.

NOTES OF CASES

APPEAL FROM COUNTY COURT

Morrison *v.* **Jacobs**

Scott, MacKinnon and Lawrence, L.JJ. 13th July, 1945

Landlord and tenant—Rent restrictions—Landlord accepting rent after expiry of lease for years—No new tenancy created—Tenant presumed to hold over under Rent Restriction Acts—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933 (23 & 24 *Geo.* 5, *c.* 32), *s.* 3 (1) *and Sched. I, para.* (*h*).

Plaintiff's appeal from the dismissal by the learned county court judge at Bow County Court of his application for possession of a dwelling-house for use as a residence for himself, under para. (*h*) of Sched. I to the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, and s. 3 (1) of that Act, as adapted by the Rent and Mortgage Interest Restrictions Act, 1939, to houses coming within that Act.

The appellant had let the house to the respondent in June, 1939, for one year certain, with an option to the respondent to continue as tenant for three years certain at the end of that year. The option was exercised, and the term of the lease therefore expired in June, 1943, but the appellant continued to take the rent, which under the lease had been £208 per annum payable in weekly amounts of £4. The learned county court judge held that there was a continuing common law tenancy which had never been determined and that the plaintiff failed because he had not given six months' notice required to determine the tenancy, which must be presumed to be held over from year to year.

SCOTT, L.J., said that the county court judge thought that because in some cases long before the Rent Restrictions Acts a tenant had continued in occupation—what is loosely called holding over—and the landlord had accepted rent, an inference might, in certain circumstances, be justified that the landlord had entered into a new agreement with the tenant for a tenancy from year to year. So to hold in the circumstances prevailing under the Rent Restrictions Acts was erroneous. The mere fact of continuing to accept the weekly rent afforded no evidence that the landlord was entering into a new contractual arrangement to take the place of the lease which had run out. The true view was that he took the rent, and was willing to take it, believing that his right to regain possession depended entirely on his satisfying the terms of the Acts. There must be a new trial to deal with the issues under s. 3 (1) of the 1933 Act and para. (*h*) of Sched. I to that Act.

MACKINNON, L.J., said that the contention that the landlord by his conduct granted a new contractual demise was entirely without foundation (*Davies* v. *Bristow* [1920] 3 K.B. 428). Some reliance was placed on s. 16 (3) of the 1920 Act, and it was suggested that the acceptance of more than three months' rent after the expiry of the notice to quit would afford due evidence of the creation of a new tenancy. The answer was found in the judgment of Scrutton, L.J., in *Shuter* v. *Hersh* [1922] 1 K.B. 438, at p. 450.

LAWRENCE, L.J., agreed.

COUNSEL: *A. W. Roskill; A. E. Holdsworth.*

SOLICITORS: *Breeze, Benton & Co.; William Daybell.*

[Reported by MAURICE SHARE, Esq., Barrister-at-Law.]

CHANCERY DIVISION

In re **Langham Hotel Co., Ltd., and** *In re* **L. Co., Ltd.**

Uthwatt, J. 11th December, 1945

Company—Practice—Reconstruction or amalgamation—Form of order transferring property from transferor company to transferee company—Companies Act, 1929 (19 & 20 *Geo.* 5, *c.* 23), *s.* 154.

Adjourned summons.

The Companies Act, 1929, provides, by s. 154, that when the court has sanctioned a scheme for the amalgamation of two or more companies, the court may, by order, transfer to the transferee company the property and liabilities of the transferor company. By this application under the section an order was sought vesting the property of H, Ltd., the transferor company, in L, Ltd., the transferee company.

UTHWATT, J., said that since the decision of the House of Lords in *Nokes* v. *Doncaster Amalgamated Collieries, Ltd.* [1940] A.C. 1014, an order under the section transferred all the property and all the liabilities of the transferor company to the transferee company, but it did not operate to transfer purely personal contracts. The registrar raised the point whether or not there should be inserted in the order some limitation showing that the order could not have the effect of transferring such a purely personal contract. He was of opinion that it was neither necessary nor desirable that any such exception should appear in the order. The second point was that the Rules of the Supreme Court contained a provision (Appendix L, form 37) which authorised the use of the scheduled form of order for transferring property and liabilities under the section. That rule was merely permissive. The scheduled form of order provided for the specification, in schedules to the order, of the property of the transferor company. Two observations might be made on that form: First, compliance with it entailed a considerable amount of work; secondly, no useful purpose was effected, because the order transferred all the property of the company. It was not legally necessary to put any class of the property in the order. There was no use in detailing the various properties of the company in a schedule.

COUNSEL: *Gordon Brown* appeared for the companies.

SOLICITORS: *Slaughter & May.*

[Reported by Miss B. A. BICKNELL, Barrister-at-Law.]

KING'S BENCH DIVISION

Harrison *v.* **Metropolitan Plywood Co.**

Hilbery, J. 30th November, 1945

Factories—Woodworking machine—Insufficient fencing—Injury to workman at neighbouring machine—Right of action—Factories Act, 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 67), *ss.* 14, 60—*Woodworking Regulations*, 1922 (*S.R. & O.*, 1922, *No.* 1196), *reg.* (17).

Action tried by Hilbery, J.

The plaintiff was employed as a press operator at the defendants' woodworking factory. The machine next to that which he was operating was a vertical spindle moulding machine. While he was at his machine, part of the spindle moulding machine, which was being operated by another employee, broke away, and pieces of it flew out of the holder, one of them burying itself in the plaintiff's thigh. The plaintiff having brought this action for damages for breach of statutory and of common-law duty, the defendants contended that the machine was in fact fenced in compliance with reg. (17) of the Woodworking Regulations made under s. 60 of the Factories Act, 1937, and that, in any event, those regulations, where they applied, were in substitution for s. 14 of the Act of 1937 and existed for the protection only of the employee working the particular machine alleged to be insufficiently fenced. By s. 14 of the Act of 1937, "every dangerous part of any machinery . . . shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced." By reg. (17) of the Woodworking Regulations, "The cutter of every vertical spindle moulding machine shall when practicable be provided with the most efficient guard having regard to the nature of the work which is being performed."

HILBERY, J., said that in his opinion the defendants' second contention was not well founded. The obligation imposed by s. 14 of the Act of 1937 was to fence dangerous parts of any machinery so as to make it secure, not only for the person working the particular machine which was dangerous, but also for every person employed or working on the premises. His lordship referred to s. 60 of the Act, under which the Woodworking Regulations were made; to the judgment of Goddard, L.J., in *Miller* v. *Boothman & Sons, Ltd.* [1944] K.B. 336, at p. 341, and to *Nicholls* v. *Austin (Leyton), Ltd.* (1944), 171 L.T. 353, at p. 354, and said that Goddard, L.J., had pointed out that the regulations must be regarded as modifying s. 14 in respect of woodworking machines and substituting the prescribed guards and fences for the absolutely secure guards and fences which the section would otherwise require. In both those cases the occupier had in fact complied with the Woodworking Regulations. In neither case had the Court of Appeal decided more than that those regulations were a code defining the employer's duty to fence, which code had been substituted in certain cases for the absolute duty to fence securely imposed by s. 14 of the Act of 1937. In other words, the regulations prescribed the nature and extent of fencing which must be provided on each woodworking machine. The Court of Appeal had not decided that, because the nature and extent of the fencing which had to be provided were prescribed by the regulations the terms of which indicated that their primary purpose was the protection of the workers at the machines, therefore they were not also intended to be a protection to other workers in the factory. No doubt the primary consideration in relation to woodworking machinery was protection of the worker at the particular machine, for the very fact that he worked at that machine exposed him to particular risks. It did not, however, necessarily follow that the regulations must therefore be construed as being only for his protection and not also for that of other workers in the factory. They effected a modification in the standard of fencing, not elimination of certain classes of workers in the factory from a right to such protection as the modified fencing would afford. The plaintiff's claim was therefore maintainable. His lordship, having found as a fact

that it was, on balance, just established that the plaintiff would not have been injured if reg. (17) had been complied with, gave judgment in his favour.

COUNSEL: *Edgedale; Quass.*

SOLICITORS: *Shaen, Roscoe & Co.; Davies, Arnold & Cooper.*

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

RULES AND ORDERS

S.R. & O., 1945, No. 1700/L.25

LANCASTER (COURT OF CHANCERY)

PROCEDURE

THE CHANCERY OF LANCASTER RULES 1945. DATED DECEMBER 31, 1945

John Burns Hynd Esquire M.P. Chancellor of the Duchy and County Palatine of Lancaster with the advice and consent of Sir John Bennett, the Vice-Chancellor of the said County Palatine, and with the approval of the authority empowered to make rules for the Supreme Court in pursuance of the powers and authorities in that behalf given to him by the Chancery of Lancaster Acts 1850 to 1890* and all other powers enabling him in that behalf, doth hereby order and direct as follows:—

1. Rule 9A of Order 16 shall be revoked and the following rule shall be substituted therefor:—

"9A. *Power to approve compromise.*]—Where in any proceedings concerning (*a*) the estate of a deceased person, (*b*) property subject to a trust, or (*c*) the construction of a written instrument, a compromise is proposed and some of the persons who are interested in or who may be affected by the compromise are not parties to the proceedings (including unborn or unascertained persons,) but

(i) there is some other person in the same interest before the Court who assents to the compromise or on whose behalf the Court sanctions the compromise; or

(ii) the absent persons are represented by a person appointed under Order 16 Rule 33 who so assents;

the Court or Vice-Chancellor, if satisfied that the compromise will be for the benefit of the absent persons and that it is expedient to exercise this power, may approve the compromise and order that the same shall be binding on the absent persons, and they shall be bound accordingly except where the order has been obtained by fraud or non-disclosure of material facts."

2. Rule 33 of Order 16 shall be revoked and the following rule shall be substituted therefor:—

"33. *Representation of persons or claims of persons in certain proceedings.*"]—Where in any proceedings concerning (*a*) the administration of an estate, (*b*) property subject to a trust, or (*c*) the construction of a written instrument (including a statute) it appears that any person (including an unborn person) or any class of persons, is or may be interested (whether presently or for any future, contingent, or unascertained interest) in or affected by the proceedings, but cannot be ascertained or cannot readily be ascertained, or, though ascertained, cannot be found, the Court or Vice-Chancellor may, if satisfied that it is expedient so to do, appoint one or more persons to represent such person or class, and the judgment or order of the Court or Vice-Chancellor in the presence of the person or persons appointed shall be binding on the person or class so represented."

3.—(1) These Rules may be cited as the Chancery of Lancaster Rules 1945 and the Chancery of Lancaster Rules 1884† shall have effect as amended by these Rules.

(2) These Rules shall come into operation on the 31st day of December, 1945.

Dated the 31st day of December, 1945.

John Burns Hynd,
Chancellor.
John Bennett,
Vice-Chancellor.

Approved by the authority for the time being empowered to make Rules of the Supreme Court.

Jowitt, C.

We concur, *Caldecote,* C.J.
Greene, M.R.

* 13 & 14 Vict. c. 43: 17 & 18 Vict. c. 82: 53 & 54 Vict. c. 23.
† S.R. & O. Rev. 1904, VI, Lancaster (Court of Chancery) pp. 23–223 (reprinted as amended to December 31, 1903).

PARLIAMENTARY NEWS

HOUSE OF LORDS

Read First Time:—

UNITED NATIONS BILL [H.L.].

To enable effect to be given to certain provisions of the Charter of the United Nations. [31st January.

WATER (SCOTLAND) BILL [H.C.] [29th January.

Read Second Time:—

BUILDING RESTRICTIONS (WAR-TIME CONTRAVENTIONS) BILL [H.C.].

LOCAL GOVERNMENT (FINANCIAL PROVISIONS) BILL. [H.C.].

NATIONAL SERVICE (RELEASE OF CONSCIENTIOUS OBJECTORS) BILL [H.C.].

STATUTORY INSTRUMENTS BILL [H.C.].

STRAITS SETTLEMENTS (REPEAL) BILL [H.C.]. [29th January.

BRECONSHIRE COUNTY COUNCIL BILL [H.L.].

BROMBOROUGH DOCK BILL [H.L.].

CITY OF LONDON (VARIOUS POWERS) BILL [H.L.].

LEICESTER CORPORATION BILL [H.L.].

LONDON, MIDLAND AND SCOTTISH RAILWAY BILL [H.L.].

LONDON NECROPOLIS BILL [H.L.].

MANCHESTER CORPORATION BILL [H.L.].

MID AND SOUTH EAST CHESHIRE WATER BOARD BILL [H.L.].

ROTHERHAM CORPORATION BILL [H.L.].

RUSHDEN DISTRICT GAS BILL [H.L.].

TYNE TUNNEL BILL [H.L.]. [30th January.

EMERGENCY LAWS (TRANSITIONAL PROVISIONS) BILL [H.C.]. 31st January.

Read Third Time:—

DOCK WORKERS (REGULATION OF EMPLOYMENT) BILL [H.C.]. [31st January.

In Committee:—

BANK OF ENGLAND BILL [H.C.]. [31st January.

HOUSE OF COMMONS

Read First Time:—

BANBURY CORPORATION BILL [H.C.].

BIRMINGHAM CORPORATION BILL [H.C.].

CARDIFF CORPORATION BILL [H.C.].

CHESHIRE COUNTY COUNCIL BILL [H.C.].

HIGH WYCOMBE CORPORATION BILL [H.C.].

LANCASHIRE COUNTY COUNCIL BILL [H.C.].

LONG EATON URBAN DISTRICT COUNCIL BILL [H.C.].

NORTHMET POWER BILL [H.C.].

NOTTINGHAMSHIRE COUNTY COUNCIL BILL [H.C.].

PORTSMOUTH CORPORATION BILL [H.C.].

TEES CONSERVANCY BILL [H.C.]. [1st February.

Read Second Time:—

COAL INDUSTRY NATIONALISATION BILL [H.C.]. [30th January.

ACQUISITION OF LAND (AUTHORISATION PROCEDURE) BILL [H.C.]. [31st January.

EDUCATION BILL [H.C.]. [1st February.

QUESTIONS TO MINISTERS

CRIMINAL JUSTICE BILL

Flying-Officer LEVER asked the Secretary of State for the Home Department if he will, at an early date, reintroduce the Criminal Justice Bill, suitably amended, in order to embark on a comprehensive programme of penal reform and the improvement of prison conditions.

Mr. EDE: I am anxious to introduce a measure on the lines of the Criminal Justice Bill, with such amendments as experience has suggested, but in view of the very full Parliamentary programme, it will not be possible to introduce a Bill on this subject this Session. [31st January.

AMERICAN CITIZENS. DIVORCED BRITISH WIVES

Mr. CLUSE asked the Attorney-General whether his attention has been directed to the difficult position of British wives of U.S. citizens whose husbands have divorced them; that these women remain married under British law; and whether he will take steps to assist women in these circumstances.

The ATTORNEY-GENERAL: My hon. friend's question is, I think, based on the assumption that an English woman who has married a citizen of the United States and is divorced by him in the United States remains by the law of England still married to him. This assumption to a large extent is erroneous. Our law recognises decrees of divorce made in accordance with the law of the domicile of the parties. By English law, the wife would take the domicile of her husband, and our law would recognise a decree of divorce made in accordance with the law of that domicile. Moreover, s. 1 of the Matrimonial Causes (War Marriages) Act, 1944, enables women who since the outbreak of war have married men domiciled outside the United Kingdom, subject to certain qualifications, to take divorce proceedings against their husbands in this country. [31st January.

RECENT LEGISLATION

STATUTORY RULES AND ORDERS, 1945–46

No. 122. **Animal.** Disease of Animals. Tuberculosis (Amendment) Order. Jan. 14.

No. 36. **Bretton Woods Agreements** Order in Council Jan. 10.

No. 124. **Civilian Clothing** Order. Jan. 24.

No. 129. **Compensation** (Defence) Notice of Claim for Increase of Compensation Rules. Jan. 24.
No. 86. **Control of Building Operations** (No. 6) Order. Jan. 16.
No. 97. **Control of Paper** (No. 72) (Economy) Order. Jan. 24.
No. 137. **Family Allowances** (Making of Claims and Payments) Regulations. Jan. 25.
No. 138. Family Allowances (Qualifications) Regulations. Jan. 25.
No. 139. Family Allowances (References) Regulations. Jan. 25.
No. 81. **Limitation of Supplies** (Toys and Indoor Games) (No. 3) Order. Jan. 23.
No. 89. **Location of Industry** (Restriction) Order. Jan. 24.
No. 82. **Miscellaneous Goods** (Prohibition of Manufacture and Supply) (No. 8) Order. Jan. 23.
No. 1701/S.65. **Probation of Offenders,** Scotland. Probation (Scotland) Rules, Dec. 29, amending the Probation (Scotland) Rules, 1931.
No. 98 **Reconditioned Service Clothing** Order. Jan. 25.
No. 128. **Requisitioned Land** (Increase of Compensation) (Appointed Day) Order. Jan. 24.

[Any of the above may be obtained from the Publishing Department, S.L.S.S., Ltd., 88/90, Chancery Lane, London, W.C.2]

NOTES AND NEWS

Honours and Appointments

Mr. W. LIDDELL HANN, at present an assistant solicitor with the West Riding County Council, has been appointed Deputy Clerk to the Cambridgeshire County Council. He was admitted in 1932.

Mr. Justice WILLMER, Mr. P. R. J. BARRY, K.C., Mr. J. C. JOLLY, K.C., Mr. R. BUSH JAMES, K.C., and Mr. G. J. PAULL, K.C., have been elected Masters of the Bench of the Inner Temple.

Notes

The Board of Trade have made an Order (S.R. & O., 1946, No. 89) revoking as from the 31st January the Location of Industry (Restriction) Order, 1945, under which a licence was required from the Board of Trade before use could be made of factory or storage premises having a total floor space of 3,000 square feet or over. The revocation does not affect the Government's powers in regard to location of industry under the Distribution of Industry Act, 1945, nor does it in any way prejudice the control over the manufacture of particular classes of goods which exists under other Orders.

SHORTHAND NOTES OF EVIDENCE.

COHEN J., sitting with ROXBURGH, J., in a Divisional Court in Bankruptcy, on Monday last, said that, before the list was called, he desired to read a practice note which the Judges had directed should appear in the *Weekly Notes*. His lordship then read the following: "Notwithstanding the provisions of the Rules of the Supreme Court (Shorthand Writers), 1940, dated 21st August, 1940, parties desiring a shorthand note of the evidence to be taken on the hearing of a motion or an appeal to the Divisional Court sitting in Bankruptcy must apply to the court at the hearing for a direction that a shorthand note be taken, and for an order as to the costs of the transcripts, if any."

COURT PAPERS

SUPREME COURT OF JUDICATURE

HILARY SITTINGS, 1946

COURT OF APPEAL AND HIGH COURT OF JUSTICE—CHANCERY DIVISION

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Emergency Rota.	Appeal Court I.	Mr. Justice Uthwatt.
Mon., Feb. 11	Mr. Andrews	Mr. Farr	Mr. Blaker
Tues., ,, 12	Jones	Blaker	Andrews
Wed., ,, 13	Reader	Andrews	Jones
Thurs., ,, 14	Hay	Jones	Reader
Fri., ,, 15	Farr	Reader	Hay
Sat., ,, 16	Blaker	Hay	Farr

	Group A.		Group B.	
Date.	Mr. Justice Cohen. *Witness.*	Mr. Justice Vaisey. *Non-Witness.*	Mr. Justice Evershed. *Non-Witness.*	Mr. Justice Romer. *Witness.*
Mon., Feb. 11	Mr. Reader	Mr. Hay	Mr. Jones	Mr. Andrews
Tues., ,, 12	Hay	Farr	Reader	Jones
Wed., ,, 13	Farr	Blaker	Hay	Reader
Thurs., ,, 14	Blaker	Andrews	Farr	Hay
Fri., ,, 15	Andrews	Jones	Blaker	Farr
Sat., ,, 16	Jones	Reader	Andrews	Blaker

STOCK EXCHANGE PRICES OF CERTAIN TRUSTEE SECURITIES

Bank Rate (26th October, 1939) 2%

	Div. Months	Middle Price Feb. 4 1946	Flat Interest Yield £ s. d.	‡ Approximate Yield with redemption £ s. d.
British Government Securities				
Consols 4% 1957 or after	FA	111	3 12 1	2 16 6
Consols 2½%	JAJO	92⅞	2 13 10	—
War Loan 3% 1955–59	AO	104	2 17 8	2 10 0
War Loan 3½% 1952 or after	JD	105	3 6 8	2 14 1
Funding 4% Loan 1960–90	MN	116	3 9 0	2 12 4
Funding 3% Loan 1959–69	AO	103¾	2 17 10	2 13 2
Funding 2½% Loan 1952–57	JD	102¼	2 13 9	2 7 5
Funding 2½% Loan 1956–61	AO	100	2 10 0	2 10 0
Victory 4% Loan Av. life 18 years	MS	114¼	3 10 0	2 19 3
Conversion 3½% Loan 1961 or after	AO	109	3 4 3	2 15 2
National Defence Loan 3% 1954–58	JJ	103½	2 18 1	2 10 11
National War Bonds 2½% 1952–54	MS	100¾	2 9 7	2 7 8
Savings Bonds 3% 1955–65	FA	102½	2 18 6	2 14 2
Savings Bonds 3% 1960–70	MS	102¾	2 18 4	2 15 5
Local Loans 3% Stock	JAJO	99¼	3 0 5	—
Bank Stock	AO	408½	2 18 9	—
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	100	3 0 0	—
Guaranteed 2¾% Stock (Irish Land Act 1903)	JJ	98	2 16 1	—
Redemption 3% 1986–96	AO	105½	2 16 10	2 15 6
Sudan 4½% 1939–73 Av. life 16 years	FA	116	3 17 7	3 4 1
Sudan 4% 1974 Red. in part after 1950	MN	110	3 12 9	1 15 6
Tanganyika 4% Guaranteed 1951–71	FA	105	3 16 2	2 18 2
Lon. Elec. T.F. Corp. 2½% 1950–55	FA	98½	2 10 9	2 13 7
Colonial Securities				
*Australia (Commonw'h) 4% 1955–70	JJ	108	3 14 1	3 0 4
Australia (Commonw'h) 3½% 1964–74	JJ	103	3 3 1	3 0 7
Australia (Commonw'h) 3% 1955–58	AO	101	2 19 5	2 17 8
†Nigeria 4% 1963	AO	115	3 9 7	2 18 4
*Queensland 3½% 1950–70	JJ	102	3 8 8	2 19 4
Southern Rhodesia 3½% 1961–66	JJ	106	3 6 0	3 0 0
Trinidad 3% 1965–70	AO	101	2 19 5	2 18 7
Corporation Stocks				
*Birmingham 3% 1947 or after	JJ	99	3 0 7	—
*Croydon 3% 1940–60	AO	101	2 19 5	—
*Leeds 3¼% 1958–62	JJ	103	3 3 1	2 19 0
*Liverpool 3% 1954–64	MN	101	2 19 5	2 17 2
Liverpool 3½% Red'mable by agreement with holders or by purchase	JAJO	107	3 5 5	—
London County 3% Con. Stock after 1920 at option of Corporation	MSJD	99xd	3 0 7	—
*London County 3½% 1954–59	FA	104½	3 7 0	2 17 10
Manchester 3% 1941 or after	FA	99	3 0 7	—
*Manchester 3% 1958–63	AO	102	2 18 10	2 16 4
Met. Water Board 3% "A" 1963–2003	AO	99½	3 0 4	3 0 10
*Do. do. 3% "B" 1934–2003	MS	100¼xd	2 19 8	—
*Do. do. 3% "E" 1953–73	JJ	101	2 19 5	2 16 10
Middlesex C.C. 3% 1961–66	MS	101¼xd	2 19 1	2 17 6
*Newcastle 3% Consolidated 1957	MS	101xd	2 19 5	2 18 0
Nottingham 3% Irredeemable	MN	99	3 0 7	—
Sheffield Corporation 3½% 1968	JJ	108	3 4 10	3 0 0
Railway Debenture and Preference Stocks				
Gt. Western Rly. 4% Debenture	JJ	112	3 11 5	—
Gt. Western Rly. 4½% Debenture	JJ	117	3 16 11	—
Gt. Western Rly. 5% Debenture	JJ	126	3 19 4	—
Gt. Western Rly. 5% Rent Charge	FA	126½	3 19 1	—
Gt. Western Rly. 5% Cons. G'rteed.	MA	122⅛	4 1 8	—
Gt. Western Rly. 5% Preference	MA	113½	4 8 1	—

* Not available to Trustees over par.

† Not available to Trustees over 115.

‡ In the case of Stocks at a premium, the yield with redemption has been calculated at the earliest date; in the case of other Stocks, as at the latest date.

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